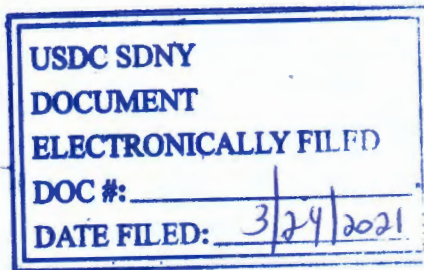


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

-against-

17 CR 680 (CM)

CRAIG CARTON,

Defendant.

RESPONSE TO DOCKET ENTRY #200

McMahon, C.J.:

Herewith my response to the letter from John G. Martin, Esq., dated March 12, 2021, concerning Mr. Carton's restitution responsibilities:

At this moment, Mr. Carton is technically in the custody of the Bureau of Prisons. He is serving the (very early) final year of his sentence on "home confinement," although it does not appear that Mr. Carton is confined to his home.¹ Mr. Martin and his client should be aware that Mr. Carton's "custodial" sentence does not end until June 9, 2021, at which point he will begin his three years of supervised release under the watchful eye of the Southern District Probation Department.² At that time, he will also begin fulfilling his community service portion of his sentence.³

This court takes Mr. Carton's restitutionary obligation seriously and believes it to come ahead of his other expense or financial obligation. As in all cases where restitution is ordered, it is a condition of Mr. Carton's supervision that he provide his Probation Officer with full details about his financial situation. I am certain that the experienced Probation Officer who supervises Mr.

¹ This cannot possibly be due to the dictates of his job; WFAN talent broadcast from their homes for many months during the past year, and some WFAN on-air personalities have not yet returned to the studio. But as this court is not yet supervising Mr. Carton, I am not responsible for the rules governing his remaining period of "incarceration."

² I believe that Mr. Carton is living in New Jersey. He will, however, be supervised this district, not in the District of New Jersey.

³ The court takes the position that nothing Mr. Carton does while serving his term of incarceration is in fulfillment of his community service, which is a condition of his supervised release. The details of his community service will be set by Probation. That said, I commend Mr. Carton on the new Saturday morning show, and his colloquy last Monday evening with John Jastremski on the dangers of gambling evidences real change on his part.

Carton will obtain all required financial information from the defendant. I trust that, over his three-year term of supervision, Mr. Carton will obey the rule that requires him to tell his Probation Officer about any changes in his financial circumstances, including specifically anything that increases his income.

If anyone (including the Court or the Probation Officer) believes, on the basis of the financial information so provided, that Mr. Carton's restitution schedule should be altered, the time to address the matter will be when Mr. Carton finally comes under the supervision of the Court. As that day has not yet arrived, I did not ask for any response to the letter referenced in the first paragraph of this document. I have, however, reviewed Mr. Janey's response, and I agree that there is nothing to be done at this moment.

Dated: March 24, 2021

Chief Judge

BY ECF TO ALL COUNSEL

BY EMAIL TO MICHAEL FITZPATRICK, CHIEF, SDNY PROBATION